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09/212,714	12/16/1998	RAO KOCHARLAKOTA	101723	7997

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,714

Applicant(s)

KOCHARLAKOTA, RAO

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4-5, 7-12, 14-16 and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan (US 5,946,378) in view of Sleevi (US 4,811,382).

Regarding **claims 1, 14 and 15**, Farfan discloses a method of holding in a telecommunications call, comprising:

connecting a caller (101 on FIG. 1) to a subscriber (102 on FIG. 1) of a holding service (column 3, lines 7-23) [The subscriber places the caller on hold and the call connection is maintained by the switching office until the subscriber is ready to take the call]; then

determining if the subscriber is available to receive a call (column 3 line 51) from the caller (column 3, lines 47-61) [The system determines when the subscriber is available by responding on the keys "2" or "3" pressed by the subscriber];

connecting the caller to an alternate device (column 4, line 17) that provides alternate services when the subscriber is not available to receive the call (column 4, lines 16-47) [The alternate device "Information-On-Hold service" is connected to the caller until the subscriber is available to take the call];

terminating the alternate services and resuming communication between the caller and the subscriber when the subscriber is available to receive the call (column 4, line 48 to column 5, line 49) [The subscriber presses the "2" key to signal the service to receive the call by terminating the on-hold service].

Farfan fails to disclose the time slicing service that determinates a portion of the time charged to the caller .

However, Sleevei teaches a method determining a portion (column 9, lines 5) of total call charges associated with the call that is attributable to one entity other than the subscriber based on the alternate services provided (column 9, lines 3-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the cost sharing of Sleevei in the invention of Farfan.

The modification of the invention will offer the capability of reducing the charges of the caller such as the caller will only be charged for the time talking to the subscriber.

Regarding **claim 4**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 4**.

In addition, Farfan teaches a method, wherein the step of connecting a caller comprises:

determining if the subscriber is associated with the services (column 2, lines 35-45) [The subscriber by depressing the flash hook switch cause the central office to respond, if is not associated with the service the calling parting will not be connected to the information-on-hold service]; and

determining an alternate device (105 on FIG. 2) that provides alternate services, a key sequence ("2") that indicates the subscriber is available to receive a call (column 3, lines 50-54), whether alternate services in progress should be interrupted when reconnecting a caller to the subscriber (column 4, lines 6-8), and whether alternate services should be provided at any point after the subscriber receives the call (column 4, lines 8-10).

Regarding **claim 5**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 5**.

In addition, Farfan discloses a method, wherein the step of connecting a caller comprises:

routing the call through a device (105 on FIG. 1) capable of detecting if the subscriber is available to receive the call (column 2, lines 38-45).

Regarding **claim 7**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 7**.

In addition, Farfan teaches a method, wherein the step of determining if the subscriber is available comprises:

receiving a signal [flash hook signal] from the subscriber indicating that the subscriber is not available to receive the call (column 2, lines 35-45).

Regarding **claim 8**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 8**.

In addition, Farfan teaches a method, wherein the step of connecting the caller to an alternate device (105 on FIG. 1) comprises:

maintaining the connection between the caller and the subscriber as active (column 4, lines 16-30); and

connecting the caller to an IP [The information-on-hold service is the intelligent peripheral] that provides the alternate services (column 2, lines 19-26).

Regarding **claim 9**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 9** .

In addition, Farfan teaches a method, wherein the step of connecting the caller to an alternate device comprises:

connecting the caller to a device (105 on FIG. 2) that provides advertising information to the caller (column 2, lines 38-45).

Regarding **claim 10**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 10** .

In addition, Farfan teaches a method, wherein the step of terminating the alternate services comprises:

receiving a signal ("1") from the subscriber representing that the subscriber is available to receive the call (column 4, lines 48-53).

Regarding **claim 11**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 11** .

In addition, Farfan discloses a method, wherein the step of terminating the alternate services comprises:

receiving a signal ("2") representing that the subscriber is available to receive the call (column 3, lines 47-54); and

interrupting the alternate services to reconnect the caller and the subscriber (column 4, lines 6-15).

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Regarding **claim 12**, Farfan and Sleeve as applied to **claim 1** above differ from **claim 12**.

In addition, Farfan teaches a method, wherein the step of terminating alternate services comprises:

waiting until the alternate services are complete before reconnecting the caller and the subscriber (column 4, lines 8-10).

Regarding **claim 16**, Farfan and Sleeve disclose all the limitation of this claim as stated on **claim 1**.

In addition, Farfan discloses a telecommunications system comprising:

an originating switch [The public switch network receives the signal from a PBX or central office connecting the telephone "101" of the caller, therefore the PBX or central office is considered as the originating switch] that receives a signal from a caller indicating a desire to be connected with a called party (column 2, lines 27-30) [It is obvious that the connection is originated from a switch connected to the PSTN];

a controller [The controller resides in the central office "104"] that provides information regarding how the signal from the caller should be handled (column 2, lines 35-41) [The controller will inform the central office to provide the connection to the caller based on the called party number];

a destination switch (104 on FIG. 1) that connects to the called party based on information from the controller (column 2, lines 27-30) [The central office provides the connection to the caller based on the called party number];

a switching network (103 on FIG. 1) that interconnects the originating switch with the destination switch (column 2, lines 27-30) [The PSTN routes the call to the appropriate central office for termination];

a sensing device [The central office sense the flash hook switch] that detects that one of the caller and the called party after being connected is not available for communication (column 2, lines 35-41) [The central office responds to the hook switch to perform the on-hold task]; and

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an alternate services device (105 on FIG. 1) that provides alternate services to the other of the caller and the called party while the caller or called party is unavailable (column 2, lines 19-26) [The information-on-hold service provides to the party on-hold various types of services].

Regarding **claim 18**, Farfan and Sleevei as applied to **claim 16** above differ from **claim 18** .

In addition, Farfan discloses a system, wherein the sensing device is an IP device (104 on FIG. 1) that detects a lack of communication between the caller and the called party (column 2, lines 35-45)[The central office is the intelligent peripheral device that control lack of communication in the voice path].

Regarding **claim 19**, Farfan and Sleevei as applied to **claim 16** above differ from **claim 19** .

In addition, Farfan discloses a system, wherein the alternate services device is an IP (105 on FIG. 1) that provides advertising information to the caller while the called party is unavailable (column 2, lines 19-26) [The information-on-hold-service is an intelligent peripheral that provides multiple services to the party on hold].

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Sleevei and in further view of Andrews et al (U S 5,271,058).

Regarding **claim 2**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 2** in that it fails to disclose an automatic call distributor associated with the subscriber.

However, Andrews teaches a method, wherein the step of connecting a caller comprises:

connecting the caller to an automatic call distributor (10 on FIG. 1) associated with the subscriber (column 12, lines 22-31).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding an automatic call distributor associated with the subscriber as taught by Andrews.

The modification will allow the system to manage the receiving call using an automatic call distributor such that the service provider would determine when the subscriber is available.

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4. **Claims 3, 6, 17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Sleevei and in further view of Iida et al (U S 5,440,541).

Regarding **claim 3**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 3** in that it fails to disclose an ATM backbone.

However, Iida teaches a method, wherein the step of connecting a caller comprises:

connecting the caller to the subscriber through a telecommunications system having an ATM backbone (column 13, lines 30-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding an ATM backbone as taught by Iida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim 6**, Farfan and Sleevei as applied to **claim 1** above differs from **claim 6** in that Sleevei did not disclose detecting the voice activity between the caller and the subscriber.

However, lida teaches a method, wherein the step of determining if the subscriber is available comprises:

detecting a voice activity between the caller and the subscriber (column 6, lines 54-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding the voice activity between the caller and the subscriber as taught by lida.

The modification will allow the system to manage the voice activity between the caller and the subscriber such that the service provider would monitor the call.

Regarding **claim 17**, Farfan and Sleevei as applied to **claim 16** above differ from **claim 17** in that it fails to disclose the switching network is an ATM backbone having a multipoint-to-multipoint connection capability.

However, lida teaches a system, wherein the switching network is an ATM backbone having a multipoint-to-multipoint connection capability (column 13, lines 30-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding the switching network is an ATM backbone having a multipoint-to-multipoint connection capability as taught by lida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim 21**, Farfan and Sleevei as applied to **claim 16** above differ from **claim 21** in that it fails to disclose an SCP.

However, lida teaches a system, wherein the sensing device comprises an SCP that does not keep track of called party resources (11 on FIG. 4 and column 4, lines 65-68).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding an SCP as taught by lida.

The modification will allow the system to manage the incoming call using an SCP such that the system would have advertising save in the database.

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5. **Claims 13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Sleevei and in further view of Gregorek et al (US 5,321,740).

Regarding **claim 13**, Farfan and Sleevei as applied to **claim 1** above differ from **claim 13** in that it fails to disclose charges to an entity that owns advertising information.

However, Gregorek teaches a method, wherein the step of determining a portion of total call charges comprises:

allocating charges to an entity that owns advertising information that is provided to the caller during the call (column 8, lines 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding charges to an entity that owns advertising information as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the caller would be billed for communication times with the subscriber only.

Regarding **claim 20**, Farfan and Sleevei as applied to **claim 19** above differ from **claim 20** in that it fails to disclose charges to an advertiser associated with the advertising information.

However, Gregorek teaches a system, wherein portions of the call during which advertising information is provided to the caller is charged to an advertiser associated with the advertising information (column 8, lines 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Sleevei by adding charges to an advertiser associated with the advertising information as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the advertiser would be billed for portion of the communication times.

Response to Arguments

6. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.

July 12, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
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